

§ 436.1

- 436.1004 FFP in expenditures for medical assistance for individuals who have declared United States citizenship or nationality under section 1137(d) of the Act and with respect to whom the State has not documented citizenship and identity.
- 436.1005 Institutionalized individuals.
- 436.1006 Definitions relating to institutional status.

Subpart I—Option for Coverage of Special Groups

- 436.1100 Basis and scope.

PRESUMPTIVE ELIGIBILITY FOR CHILDREN

- 436.1101 Definitions related to presumptive eligibility for children.
- 436.1102 General rules.

AUTHORITY: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

SOURCE: 43 FR 45218, Sept. 29, 1978, unless otherwise noted.

Subpart A—General Provisions and Definitions

§ 436.1 Purpose and applicability.

This part sets forth, for Guam, Puerto Rico, and the Virgin Islands—

- (a) The eligibility provisions that a State plan must contain;
- (b) The mandatory and optional groups of individuals to whom Medicaid is provided under a State plan;
- (c) The eligibility requirements and procedures that a Medicaid agency must use in determining and redetermining eligibility, and requirements it may not use; and
- (d) The availability of FFP for providing Medicaid and for administering the eligibility provisions of the plan.

[43 FR 45218, Sept. 29, 1978, as amended at 44 FR 17939, Mar. 23, 1979]

§ 436.2 Basis.

This part implements the following sections of the Act and public laws that state requirements and standards for eligibility:

- 402(a)(22) Eligibility of deemed beneficiaries of AFDC who receive zero payments because of recoupment of overpayments.
- 402(a)(37) Eligibility of individuals who lose AFDC eligibility due to increased earnings.
- 414(g) Eligibility of certain individuals participating in work supplementation programs.

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- 473(b) Eligibility of children in foster care and adopted children who are deemed AFDC beneficiaries.
- 1902(a)(8) Opportunity to apply; assistance must be furnished promptly.
- 1902(a)(10) Required and optional groups.
- 1902(a)(12) Determination of blindness.
- 1902(a)(16) Out-of-State care for State residents.
- 1902(a)(17) Standards for determining eligibility; flexibility in the application of income eligibility standards.
- 1902(a)(19) Safeguards for simplicity of administration and best interests of beneficiaries.
- 1902(a)(34) Three-month retroactive eligibility.
- 1902(a) (second paragraph after (47)) Eligibility despite increased monthly insurance benefits under title II.
- 1902(a)(55) Mandatory use of outstation locations other than welfare offices to receive and initially process applications of certain low-income pregnant women, infants, and children under age 19.
- 1902(b) Prohibited conditions for eligibility: Age requirements of more than 65 years; State residence requirements excluding individuals who reside in the State; and Citizenship requirement excluding United States citizens.
- 1902(e) Four-month continued eligibility for families ineligible because of increased hours or income from employment.
- 1902(e)(2) Minimum eligibility period for beneficiaries enrolled in HMO.
- 1902(e)(3) Optional coverage of certain disabled children at home.
- 1902(e)(4) Eligibility of newborn children of Medicaid-eligible women.
- 1902(e)(5) Eligibility of pregnant women for extended coverage for a specified period after pregnancy ends.
- 1903(v) Payment for emergency services under Medicaid provided to aliens.
- 1905(a) (i)-(viii) List of eligible individuals.
- 1905(a) (clause following (21)) Prohibitions against providing Medicaid to certain institutionalized individuals.
- 1905(a) (second sentence) Definition of essential person.
- 1905(d)(2) Definition of resident of an intermediate care facility for individuals with intellectual disabilities.
- 1905(n) Definition of qualified pregnant woman and child.
- 1912(a) Conditions of eligibility.
- 1915(c) Home or community based services.
- 1915(d) Home and community-based services for individuals age 65 or older.
- 412(e)(5) of Immigration and Nationality Act—Eligibility of certain refugees.
- Pub. L. 93–66, section 230 Deemed eligibility of certain essential persons.
- Pub. L. 93–66, section 231 Deemed eligibility of certain persons in medical institutions.